

**UNITED STATES DISTRICT COURT  
for the  
SOUTHERN DISTRICT OF NEW YORK**

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DATE FILED: DEC 18 2007

**U.S.A. v.s. Marvin McFoy**

**Docket No. 05-CR-1311-01**

**Petition for Action on Conditions of Pretrial Release**

COMES NOW Mildred Santana, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant, Marvin McFoy, who was released on November 5, 2007 after appearing before USMJ James C. Francis. The following bail conditions were set on that date:

A \$100,000 unsecured bond cosigned by 4 financially responsible persons, surrender travel documents and make no new applications, travel limits to include the Southern and Eastern Districts of New York and strict Pretrial Services supervision and a curfew from 9 pm to 6 pm.

On 11/20/07 Your Honor modified the defendant's bail in that the defendant must report two times a week to Pretrial Services in person and call three times a week from his cell phone and state where he is. If Pretrial Services finds that any telephone report is inaccurate the defendant's bail will be revoked.

Since the defendant would be phoning from his cell phone Pretrial Services would be unable to determine the location of the defendant which would be ineffective to address the curfew issue. Moreover, while Your Honor has ordered that the defendant report in person twice weekly, again, his day reporting would not insure that he is remaining at home during the curfew hours. Electronic monitoring is the most effective and least intrusive method of monitoring the defendant during the set curfew hours.

We would like to inform Your Honor that the defendant has consented to the installation of a telephone in his residence and that telephone has since been installed.

This was previously addressed with Assistant U.S. Attorney Christine Y. Wong and Robert Baum, defense counsel.

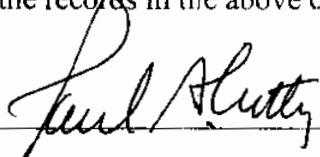
**Respectfully presenting petition for action of Court and for cause as follows:**

**PRAYING THAT THE COURT WILL ORDER:**

that the defendant's bail be modified to include electronic monitoring.

**ORDER OF COURT**

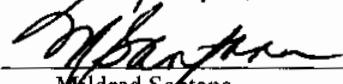
Considered and ordered this 18th day of December, 2007 and ordered filed and made a part of the records in the above case.



U.S. District Court Judge

I declare under penalty of perjury that the forgoing is true and correct

Executed on 12/18/07



Mildred Santana  
U.S. Pretrial Services Officer

Place: Southern District of New York